

REQUEST FOR COMMITTEE ACTION

HENDERSON COUNTY TECHNICAL REVIEW COMMITTEE

Meeting Date: December 3, 2013

Subject: Rezoning Application #R-2013-06

Staff Contact: Parker Sloan, Planner

Attachments:

1. Staff Report
2. Photos of Project Area

SUMMARY OF REQUEST:

Rezoning Application #R-2013-06, which was submitted on November 20, 2013 requests the County rezone a 5 acre tract. The applicant requests a rezoning from a Residential Two Rural (R2R) to a Industrial (I) zoning district. The subject area is owned by Chumbley Family LLC and the applicant is the Warm Company.

TECHNICAL REVIEW COMMITTEE ACTION REQUESTED:

Planning Staff requests the Technical Review Committee take action to recommend that the Board of Commissioners approve, approve with modifications, table, or deny rezoning application #R-2013-06.

Suggested Motion:

I move that the TRC recommend approval of rezoning application #R-2013-06 to rezone the subject area to an Industrial (I) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

Henderson County Planning Department Staff Report

Rezoning Application #R-2013-06 Chumbley Family LLC, Owner

1. Rezoning Request

- 1.1. **Owner/ Applicant:** Chumbley Family, LLC, Owner; care of Warm Co.
- 1.2. **Request:** Rezone a portion of a parcel from Residential Two Rural (R2-R) to Industrial (I)
- 1.3. **PIN:** Portion of 9589-08-7579
- 1.4. **Size:** Total of 5 acres to be rezoned.
- 1.5. **Location:** The subject area is located along Gypsy Lane, approximately 100 feet from the intersection of Corn Mountain Road and Gypsy Lane.

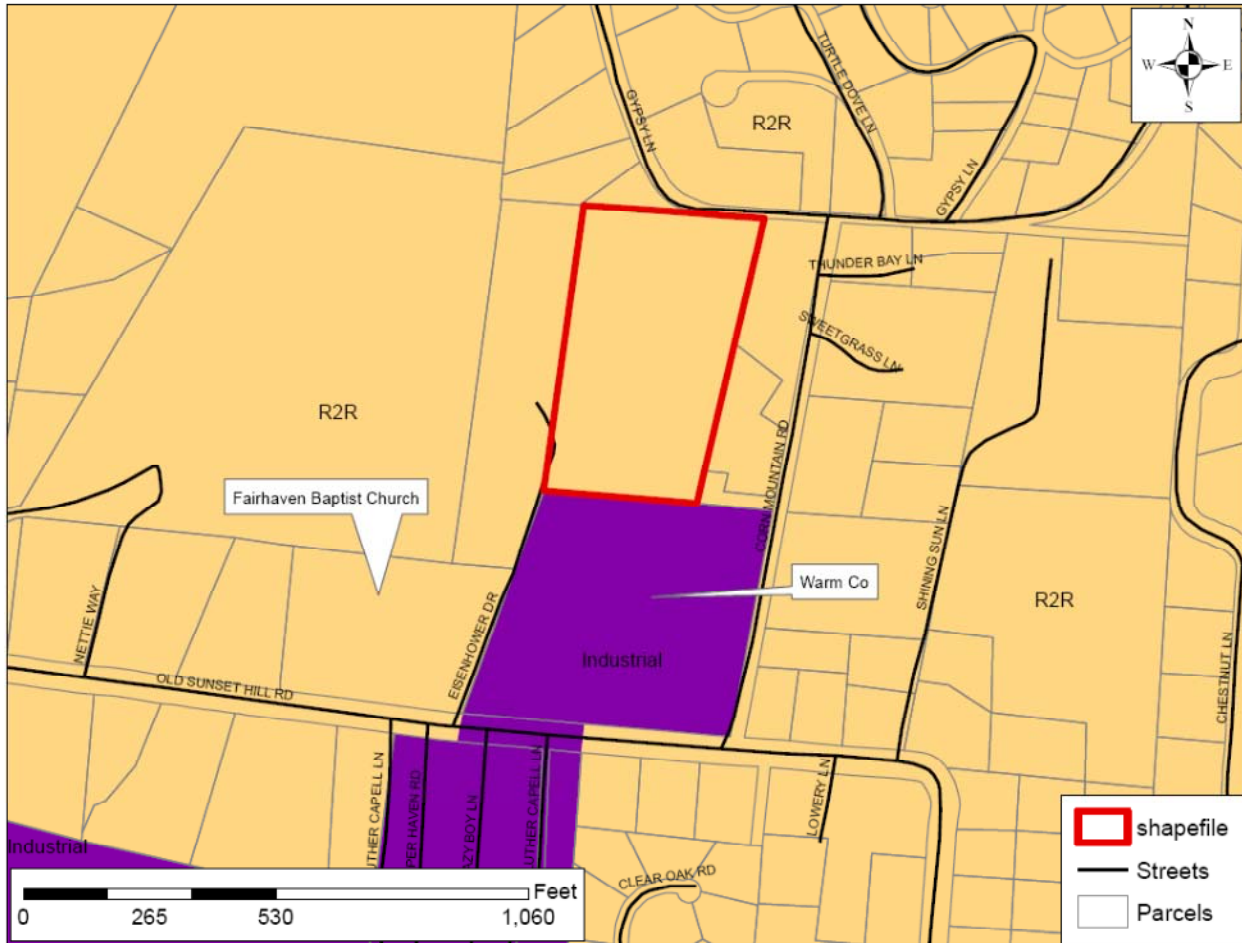
Map A: Aerial Photo



2. Current Zoning

2.1. **Application of Current Zoning:** The subject area was zoned Residential Two Rural (R2R) on September 19, 2007 with the adoption of the Land Development Code.

Map B: Current Zoning



Adjacent Zoning: The subject area is adjacent to Industrial (I) to the south and surrounded by Residential Two (R2 R) in all other directions.

2.2. District Comparison:

2.2.1. **Residential Two Rural (R2R):** *“The purpose of Residential District Two Rural (R2R) is to foster orderly growth where the principal use of land is residential. The intent of this district is to allow for low to medium density residential development, with the inclusion of manufactured housing, consistent with the recommendations of the Comprehensive Plan. This general use district is typically meant to be utilized in areas designated as transitional in the Comprehensive Plan”* (Chapter 200A, Land Development Code §200A-29). R2R requires 10 foot side and rear setbacks, a maximum

building height of 40 feet, and a standard density of one (1) unit per acre (maximum density of 2 units per acre).

2.2.2. **I (Industrial District):** *“The purpose of the Industrial District (I) is to foster orderly growth where the principal use of land is a mixture of industrial and heavy commercial. The intent of this district is to allow for industrial and heavy commercial development consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for and provide industrial and heavy commercial development that: (1) is compatible with adjacent development and the surrounding community; (2) will minimize conflict between lands uses; and (3) is sensitive to its impact on surrounding land uses and the environment (natural and man-made)”* (Chapter 200A, Land Development Code §200A-36). The Industrial District requires 20 foot side and rear setbacks, a maximum building height of 72 feet for principal structures, maximum impervious surface of 80%, and an unlimited maximum floor area.

3. Current Uses of Subject Area and Adjacent Properties

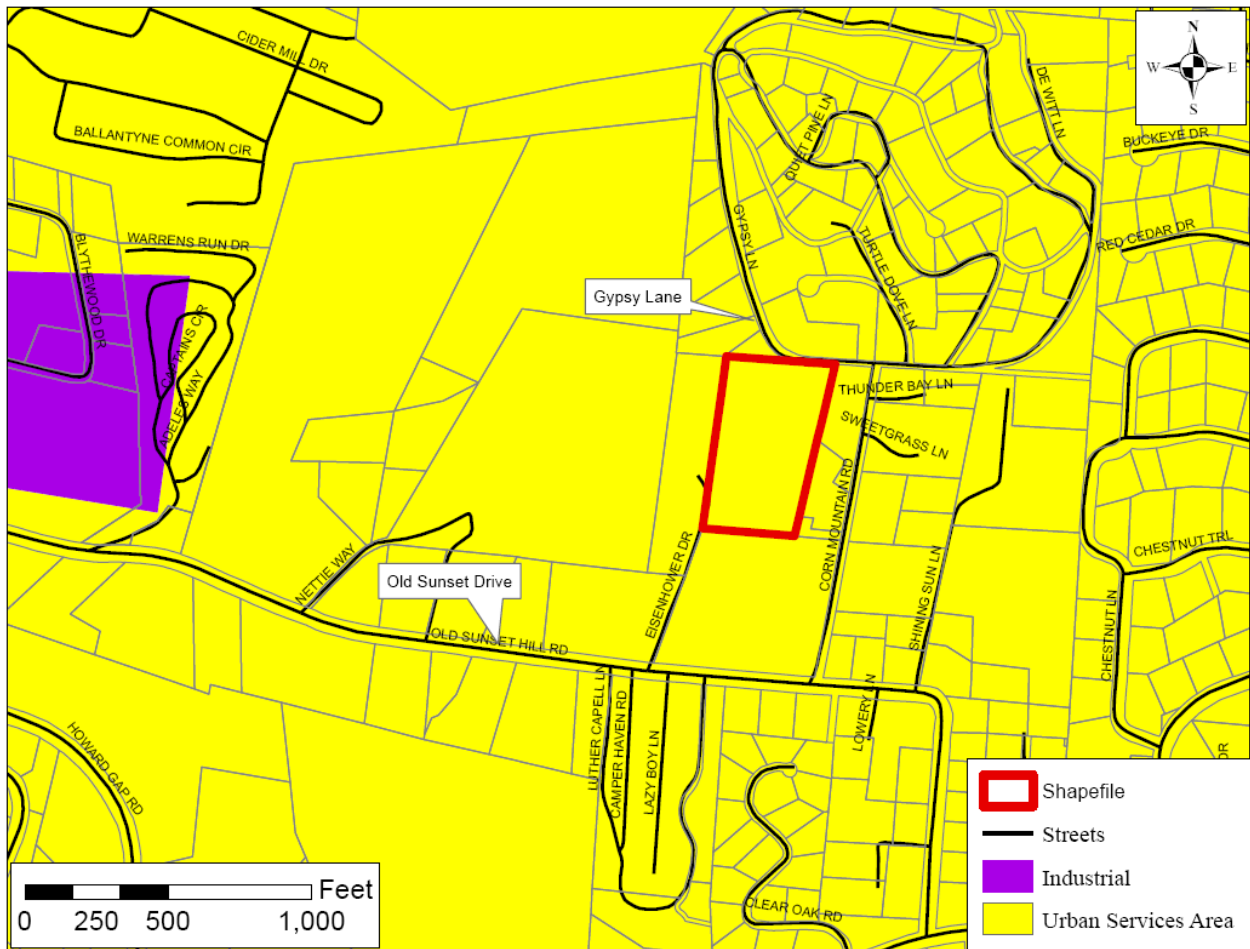
- 3.1. **Subject Area Uses:** The subject area is currently vacant.
- 3.2. **Adjacent Area Uses:** The surrounding properties are primarily residential uses. The Warm Company industrial site is located directly to the south of the subject area.

4. The Henderson County 2020 Comprehensive Plan (CCP)

The CCP Future Land Use Map identifies the subject area as being located in the Urban Services Area (USA)(2020 CCP, Pgs. 128, 129 & Appendix 1, Map 24) (See Map C).

- 4.1. **Urban Services Area:** The CCP states that, “the USA will contain considerable commercial development at a mixture of scales,” and further, “all regional commercial development should be concentrated here. Commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community” (2020 CCP, Pg. 129).

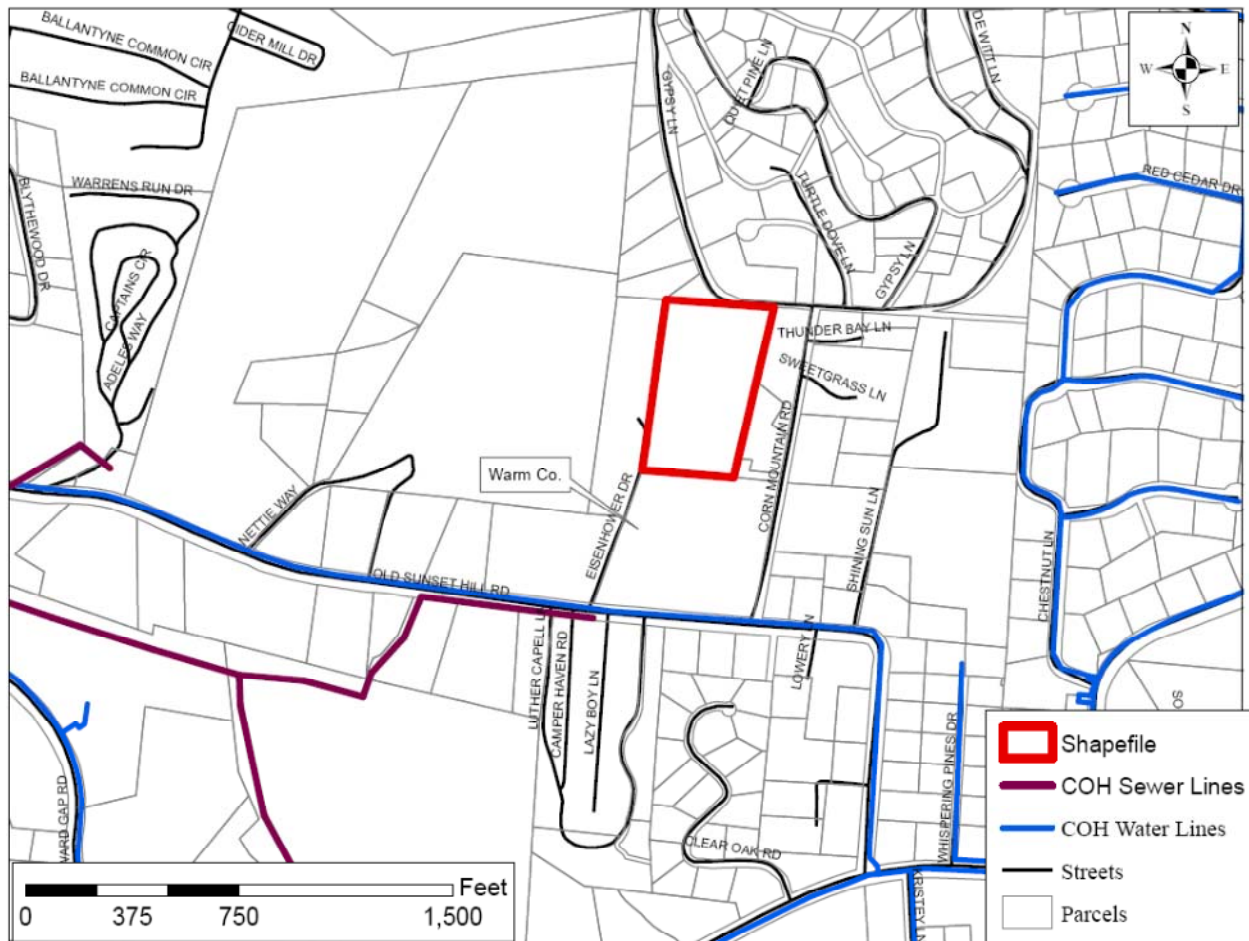
Map C: 2020 County Comprehensive Plan Future Land Use Map



5. **Water and Sewer**

- 5.1. **Public Water:** A City of Hendersonville water line serves the Warm Co. site to the south of the subject area along Old Sunset Drive. (See Map E).
- 5.2. **Public Sewer:** A City of Hendersonville sewer line serves the Warm Co. site to the south of the subject area along Old Sunset Drive. (See Map E).

Map E: Water and Sewer Map



6. Staff Comments

- 6.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map C) places the Subject Area in the “Urban Services Area” classification. The text and map of the 2020 CCP suggest that the Subject Area would be suitable for high-density residential, commercial or industrial development. The CCP indicates that the USA may be suitable for commercial development provided the development is in keeping with the surrounding community.
- 6.2. **Adjacent Zoning:** The Subject Area is adjacent to Industrial (I) zoning directly to the south.
- 6.3. **Comparison of Districts:** The existing Residential zoning does not allow for Industrial uses. Applying Industrial zoning will allow for manufacturing and other industrial uses however, eliminate the ability to construct any form of residential.

6.4. It is generally incumbent upon the Applicant to demonstrate an overriding justification for approving a given rezoning application. Staff encourages the Applicant to present any information that would inform the County's consideration of the proposed rezoning. Staff requests the Applicant not discuss any specific use being considered for the property. The Technical Review Committee, Planning Board, and the Board of Commissioners cannot consider any specific proposed use for the property and must only consider the range of possible uses when reviewing and making recommendations on the rezoning request.

7. Staff Recommendations

7.1. Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to Industrial consistent with the recommendations of the Henderson County 2020 Comprehensive Plan. Staff has attempted without success to contact adjacent property owners to the north of the Subject Area to include these parcels in the rezoning request if the property owners were agreeable. These parcels currently contain residential uses and would make a more contiguous residential district.

8. Technical Review Committee Recommendations

8.1. TBD

9. Planning Board Recommendations

9.1. TBD

Rezoning Application #2013-06
Photos of Subject Area



View of the subject area looking southwest at the northern extent of the subject area.



View of the center of the Subject Area looking north along the edge of the existing Warm Co. facility.



View of the center of the subject area looking south towards the existing Warm Co. facility.



View of the center of the Subject Area looking southwest towards nearby residences.